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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,112	01/18/2001	Karl Lang	ME-30	8261

7590 11/16/2004
Friedrich Kueffner
317 Madison Avenue, Suite 910
New York, NY 10017

EXAMINER

CROSS, LATOYA I

ART UNIT	PAPER NUMBER
1743	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,112

Applicant(s)

LANG, KARL

Examiner

LaToya I. Cross

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This Office Action is in response to Applicants' remarks filed on August 23, 2004.

Claims 1-29 are pending.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1- 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohlin in view of US Patent 5,650,122 to Harris et al.

Ohlin discloses a device for cleaning the exterior of instruments, such as transfer devices. The device comprises a ring (22) for holding the transfer device. The ring is connected to an arm, which in turn is connected to a vertical post (23) on a housing (11). The ring surrounds the transfer instrument entirely. The vertical post is mounted for axial reciprocation and rotation. A washing device (24) is provided to wash the transfer instruments. The washing device is located vertically below the transfer instruments. The washing device contains a passageway (34), through which wash fluid flows into a recess (31) where the transfer instruments are contacted with the wash fluid. The washing device is separate from the instrument holder. With respect to the wash device (24) being movable relative to the instruments being cleaned, Ohlin teaches that the collar of the wash device need not be stationary while the body to be cleaned is displaceable, but the collar may move while the instrument being cleaned is stationary (col. 3, lines 51-53). Thus, the wash device may be movable in relation to the instrument being cleaned. Presumably, a drive mechanism allows

the instrument and/or wash device to be movable. The housing (11) serves as a constraint to limit the movement of the vertical post. See figures 1-3.

Ohlin differs from the instantly claimed invention in that there is no disclosure of a jet orifice that sprays wash fluid at the instruments that are to be cleaned.

Harris et al teach an analysis instrument having a wash manifold (486) for washing aspiration tubes. The wash manifold is charged with a high pressure stream (jet stream) of wash solution by a pump. The wash manifold has multiple wash tubes (484), each of the wash tubes having a fluid outlet/orifice (488) to direct wash solution at the aspiration tubes. The tubes Harris et al further teaches that the fluid outlets are angled toward the aspiration tube at an angle of about 15°, as recited in claims 8, 9, 15, 16 and 17. Harris et al teach that the diameter of the outlet is 0.027 inch (0.68 mm), as recited in claims 12-14. Further, Harris et al teach that in spraying the wash solution, an agitated scrubbing action is provided and the time required to conduct the wash cycle is reduced. See col. 15, lines 26-45. It would have been obvious to one of ordinary skill in the art to use jet orifices directed at an angle in the wash ring of Ohlin to enhance the washing process (because of the scrubbing action provided by spraying) and thus reduce the time needed to completely wash the instruments. It would have also been obvious to one of ordinary skill in the art to use multiple jets to assure that the entire instrument is cleaned. With respect to the claim recitation that the instrument holder be designed to hold more than one instrument, one of ordinary skill in the art would recognize that more than one instrument could fit into the holder of Ohlin, in other words, two or more smaller instruments could fit into the ring and be washing at one time.

Response to Arguments

3. Applicant's arguments filed August 23, 2004 have been fully considered but they are not persuasive. In response to the obviousness rejection over Ohlin in view of Harris et al, Applicants argue that neither of the references, nor their combination, teaches an analyzer system having features d, g and j – ability to hold at least two instruments, ability to spray wash fluids at the instruments and one jet orifice being aimed in an inward radial direction of the wash ring.

With respect to the washing device holding more than one instrument, the Examiner notes that Ohlin shows embodiments where one instrument is being cleaned. However, such would not preclude one from placing more than one smaller instrument into the ring and cleaning two or more at the same time. Multiple smaller vessels, such as bundles of capillary tubes could fit into the ring for washing. Applicants' use of the phrase "designed to hold at least two instruments" does not provide any structural limitation, other than that the device be "capable" of holding more than one instrument. An amendment that structurally defines what feature allows Applicants' device to accommodate more than one instrument is suggested.

With respect to washing device spraying wash fluids at the instruments, Harris et al clearly teaches a wash manifold having jet streams that pump high pressure wash solutions at aspiration tubes. The reference also teaches that in using jet streams for washing, a scrubbing action is provided due to the high pressure wash solution, which may reduce the time needed to completely clean the instruments. Thus, Harris et al do teach feature g of Applicants' claimed invention. Further, with respect to the inward radial direction of the jet orifice, Harris et al teach this feature. Harris et al teach that the fluid outlets are angled toward the aspiration tubes at an angle of about 15°.

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It is the position of the Examiner that the instant claims are obvious in view of Ohlin and Harris et al.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaToya I. Cross whose telephone number is 571-272-1256. The examiner can normally be reached on Monday-Friday 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Jill Warden
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